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California Regional Water Quality Control Board

Los Angeles Region

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Gray Davis
Governor

Captain James Rainwater, CO
Naval Base Ventura County, NBVC
521 9th Street
Point Mugu, CA 93042-5033

CONDITIONAL CERTIFICATION FOR PROPOSED QUAYWALL REPAIR PROJECT—SURFACE CRAFT BERTH, PORT HUENEME, NBVC PROJECT, HUENEME HARBOR, PACIFIC OCEAN, CITY OF PORT HUENEME, NAVAL BASE VENTURA COUNTY (FILE NO. 01-126)

Dear Captain Rainwater CO:

Regional Board staff has reviewed your request on behalf of Port Hueneme Naval Base Ventura County (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on December 20, 2001.

I hereby certify that there is a reasonable assurance that the discharge from the Quaywall Repair Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

_____[Original signed by]_____
Dennis A. Dickerson
Executive Officer

January 3, 2002
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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ATTACHMENT A

Project Information **File No. 01-126**

1. Applicant: Captain James Rainwater, CO
Naval Base Ventura County, NBVC
521 9th St.
Point Mugu, CA 93042-5033
Phone: (805) 989-7903

2. Applicant's Agent: James M. Danza
Naval Base Ventura County, NBVC
521 9th St.
Point Mugu, CA 93042-5033
Phone: (805) 989-9747 Fax: (805) 989-1308

3. Project Name: Quaywall Repair Project – Surface Craft Berth, Port Hueneme, NBVC

4. Project Location: Port Hueneme, Naval Base Ventura County
Latitude: 34°08' 38" N Longitude: 119 °12'58" W

5. Type of Project: Quay Wall Repair

6. Project Description:

The purpose of this project is to repair the existing steel sheet pile bulkhead in its entirety from Wharf B to Wharf 6. The length of the quay wall to be repaired is approximately 375 feet. Upgraded utility services and lighting shall also be provided as an integral component of the overall project. The current poor condition of the bulkhead does not support the staging of materials or movement of heavy machinery.

Work activities will include removal, relocation, and re-installation of steel guide piles and mooring floats. The steel guide piles will be removed, repaired and reinstalled approximately 84" outboard of the original location. Debris on the ocean floor will also be removed near the existing bulkhead. Approximately 588 cubic yards of material will be required to fill the entire project area to the required level. The entire eroded area on the landside of the bulkhead will be restored to a hard compacted finish to support staging of materials and heavy equipment.

ATTACHMENT A

Project Information File No. 01-126

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| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
Non-Notifying NWP No. 3 |
| 8. Other Required Regulatory Approvals: | California Coastal Commission
Coastal Consistency Negative Determination |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities). |
| 10. Receiving Water: | Hueneme Harbor, Pacific Ocean (Hydrologic Unit No. 405.13) |
| 11. Designated Beneficial Uses: | PROC, NAV, REC-1, REC-2, COMM, MAR, WILD |
| 12. Impacted Waters of the United States: | Ocean/Bay: 0.016 permanent acres (394 linear feet) |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |

ATTACHMENT A

Project Information

File No. 01-126

15. Avoidance/
Minimization
Activities:

The Applicant has proposed several Best Management Practices (BMPs), including, but not limited to, the following:

- During the fill, grading, and compacting process, dust control measures will be utilized in order to mitigate excess particulates from the project activities;
- To prevent soil disturbance while repairing the damaged bulkhead, a copperdam will be installed on the landside of the project site; and
- The existing bulkhead will be abandoned in place thus avoiding soil disturbance and erosion of the soils adjacent to the structure.

16. Proposed
Compensatory
Mitigation:

It is not anticipated that the project activity will have a negative impact on the waters of the United States beyond the current impacts contributed by ongoing commercial activities and large vessel movement. During the repair, all possible BMPs will be utilized in order to minimize impacts to waters. This project qualifies for the Army Corps of Engineer's Non-Notifying Nationwide Permit No. 3. Therefore, compensatory mitigation will not be required by the Regional Board to offset the impacts associated with this project.

ATTACHMENT B

Conditions of Certification File No. 01-000

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including the California Coastal Commission's Coastal Consistency Negative Determination. **The documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.

ATTACHMENT B

Conditions of Certification File No. 01-000

5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-126**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
9. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

ATTACHMENT B

Conditions of Certification **File No. 01-000**

10. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.